

SECOND REGULAR SESSION

SENATE BILL NO. 1030

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Read 1st time January 28, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4761S.011

AN ACT

To repeal sections 205.920, 291.010, 291.020, 291.030, 291.040, 291.050, 291.060, 291.065, 291.070, 291.080, 291.120, 291.130, 291.140, 291.150, 292.010, 292.020, 292.030, 292.040, 292.050, 292.060, 292.070, 292.080, 292.090, 292.110, 292.120, 292.130, 292.140, 292.150, 292.160, 292.180, 292.190, 292.200, 292.210, 292.220, 292.230, 292.240, 292.250, 292.280, 292.290, 292.300, 292.310, 292.320, 292.330, 292.340, 292.350, 292.360, 292.370, 292.380, 292.390, 292.400, 292.410, 292.420, 292.430, 292.440, 292.450, 292.460, 292.470, 292.480, 292.490, 292.500, 292.510, 292.520, 292.530, 292.540, 292.560, 292.570, 292.600, 292.602, 292.604, 292.605, 292.606, 292.607, 292.610, 292.613, 292.615, 292.617, 292.623, 292.625, 292.630, and 292.650, RSMo, relating to employee health and welfare.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 205.920, 291.010, 291.020, 291.030, 291.040, 291.050, 291.060, 291.065, 291.070, 291.080, 291.120, 291.130, 291.140, 291.150, 292.010, 292.020, 292.030, 292.040, 292.050, 292.060, 292.070, 292.080, 292.090, 292.110, 292.120, 292.130, 292.140, 292.150, 292.160, 292.180, 292.190, 292.200, 292.210, 292.220, 292.230, 292.240, 292.250, 292.280, 292.290, 292.300, 292.310, 292.320, 292.330, 292.340, 292.350, 292.360, 292.370, 292.380, 292.390, 292.400, 292.410, 292.420, 292.430, 292.440, 292.450, 292.460, 292.470, 292.480, 292.490, 292.500, 292.510, 292.520, 292.530, 292.540, 292.560, 292.570, 292.600, 292.602, 292.604, 292.605, 292.606, 292.607, 292.610, 292.613, 292.615, 292.617, 292.623, 292.625, 292.630, and 292.650, RSMo, are repealed, to read as follows:

[205.920. The county superintendent of public welfare and his assistants may be deputized by the director of the inspection

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

3 section of the department of labor and industrial relations, as his
4 agent or agents, and when they are so deputized by the director,
5 they shall have the same powers and authority as deputy industrial
6 inspectors.]

[291.010. Before the director of the inspection section shall
2 enter upon the duties of his office, he shall give a good and
3 sufficient bond to the state of Missouri in the penal sum of twenty
4 thousand dollars, to be approved by the attorney general as to
5 form, and by the governor as to sufficiency, conditioned upon the
6 faithful performance of the duties of his office, and that he will
7 render an honest and accurate accounting of all funds which may
8 come into his hands through the performance of his official duties,
9 and said director shall be held liable on his official bond for any
10 defalcations of any of his deputies, agents, assistants or other
11 employees.]

[291.020. The principal office of the section shall be kept
2 and maintained in Jefferson City, Missouri. In addition to the
3 principal office in Jefferson City there shall be kept and
4 maintained one branch office in the city of St. Louis, Missouri, and
5 one branch office in Kansas City, Missouri, located in such quarters
6 as may be designated by the director with the approval of the
7 secretary of the labor and industrial relations commission of
8 Missouri. Each of such branch offices shall be in charge of an
9 assistant director of the inspection section and each such assistant
10 director shall be empowered to do and perform in the name of the
11 director any act which the director himself might perform, subject
12 however to the supervision and approval of said director of the
13 inspection section.]

[291.030. 1. Subject to the provisions of the merit system
2 law, chapter 36, RSMo, the director of the department of labor and
3 industrial relations shall employ and prescribe the duties and
4 powers of such persons as may be required and may make
5 expenditures within the appropriation therefor as may be necessary
6 to carry out the purposes of the law.

7 2. Any person employed by the inspection section more than
8 six months prior to August 13, 1972, shall be admitted to the

9 qualifying examination covering the position held by him and may
10 be retained at the discretion of the director provided that he
11 attains a passing grade in such examination. Any employee
12 appointed within six months prior to August 13, 1972, and any
13 employee appointed from and after August 13, 1972, shall be
14 appointed subject to the merit system law.]

 [291.040. The salaries and compensation of the subordinate
2 officials and employees provided for in section 291.030, shall be
3 paid in like manner and from the same source as the salary of the
4 director of the inspection section, upon vouchers approved by the
5 director. The salaries and compensation shall be as follows:
6 Assistant director of the inspection section, not exceeding six
7 thousand six hundred dollars per annum each; chief clerk, not
8 exceeding six thousand six hundred dollars per annum;
9 administrative secretary, not exceeding four thousand eight
10 hundred dollars per annum; three special safety inspectors, not to
11 exceed five thousand four hundred dollars per annum each;
12 inspectors, not to exceed five thousand four hundred dollars per
13 annum; secretary, not exceeding four thousand two hundred dollars
14 per annum; and stenographer, not to exceed four thousand two
15 hundred dollars per annum, except that the two stenographers who
16 act as office managers in the two branches shall receive a salary
17 not to exceed four thousand five hundred dollars per annum;
18 statistician, not to exceed six thousand six hundred dollars per
19 annum. Such compensation shall be paid the janitor as is fixed by
20 the director, not to exceed the sum of two hundred dollars per
21 month for the time employed.]

 [291.050. The director of the inspection section, his
2 deputies, inspectors and other assistants and appointees shall be
3 entitled to their actual traveling expenses when traveling within
4 the state of Missouri on necessary business of the inspection
5 section, which said expenses shall be paid on itemized accounts,
6 approved by the director as other sectional expenses are approved
7 and paid.]

 [291.060. 1. The director of the inspection section may
2 divide the state into districts, assign one or more deputy inspectors

3 to each district, and may, at his discretion, change or transfer them
4 from one district to another.

5 2. It shall be the duty of the director, his assistants or
6 deputy inspectors, to make not less than two inspections during
7 each year of all factories, warehouses, office buildings, freight
8 depots, machine shops, garages, laundries, tenement workshops,
9 bakeshops, restaurants, bowling alleys, pool halls, theaters, concert
10 halls, moving picture houses, or places of public amusement, and
11 all other manufacturing, mechanical and mercantile establishments
12 and workshops. The last inspection shall be completed on or before
13 the first day of October of each year, and the director shall enforce
14 all laws relating to the inspection of the establishments
15 enumerated heretofore in this section, and prosecute all persons for
16 violating the same. Any municipal ordinance relating to said
17 establishments or their inspection shall be enforced by the director.

18 3. The director, his assistants and deputy inspectors, may
19 administer oaths and take affidavits in matters concerning the
20 enforcement of the various inspection laws relating to these
21 establishments; provided, that the provisions of this section shall
22 not apply to mercantile establishments that employ less than ten
23 persons that are located in towns and cities that have three
24 thousand inhabitants or less.]

2 [291.065. The director may adopt, amend or rescind rules
3 and regulations necessary to implement any of the provisions of
4 this law; provided, however, that no such rule or regulation shall
5 be adopted except after a public hearing before the labor and
6 industrial relations commission to be held after thirty days prior
7 notice by public advertisement of the date, time and place of the
8 hearing and opportunity given to the public to be
9 heard. Thereafter, subject to the provisions of chapter 536, RSMo,
10 such rules and regulations are to become effective ten days after
11 their approval by the commission, and after copies thereof have
12 been filed in the office of the secretary of state. The adoption,
13 amending or rescinding of rules and regulations relating to the
14 internal management of the section shall not require prior approval
of the labor and industrial relations commission, nor public hearing

15 to become effective.]

2 [291.070. The inspection section shall collect, assort and
3 systematize statistical details and information relating to the
4 commercial, industrial, social, educational and sanitary conditions
5 of the laboring classes of the state and to the permanent prosperity
6 of the productive industries of the state.]

2 [291.080. The director of the inspection section is hereby
3 directed to collect any information he may deem necessary to carry
4 out the objects of the department as set forth in section 291.070,
5 and is hereby authorized to furnish suitable blanks to managers of
6 public service corporations, county, city and township officers, and
7 to the officers of prisons, penal and reformatory institutions, and
8 it shall be the duty of all such managers and officers to furnish
9 such information as the director may require and which may be in
10 their possession with the least possible delay.]

2 [291.120. The labor and industrial relations commission of
3 Missouri, with the assistance of the director of the inspection
4 section of the department of labor and industrial relations shall, on
5 or before the first day of February of each year, present a report in
6 writing to the governor, which shall contain statistical details
7 relating to the operation of the section under sections 196.270 to
8 196.305, and chapters 290, 292 and 421, RSMo, including such
9 information as is contemplated by section 291.070.]

2 [291.130. 1. The owner, superintendent, manager or other
3 person in charge of every establishment inspected as provided by
4 law shall pay to the state director of revenue the following fee for
5 each inspection made in accordance with the provisions of sections
6 196.270 to 196.305, and chapters 292 and 421, RSMo, or elsewhere
7 authorized or required of said inspector by law to be made:

8 (1) For the inspection of every building or shop in which ten
9 or less persons are employed or found at work, no charge shall be
10 made;

11 (2) For the inspection of every building or shop in which
12 more than ten and not exceeding fifteen persons are employed, the
13 sum of three dollars;

(3) For the inspection of every building or shop in which

14 more than fifteen and less than twenty-five persons are employed,
15 the sum of four dollars;

16 (4) For the inspection of every building or shop in which
17 more than twenty-five persons and less than fifty persons are
18 employed, the sum of five dollars; and

19 (5) In every building or shop in which more than fifty
20 persons are employed an additional fee of one dollar shall be
21 charged and collected for every fifty additional persons employed,
22 or any additional fraction thereof, and the fee herein provided for
23 shall be due immediately upon completion of the inspection.

24 2. The owner, superintendent, manager or other person in
25 charge of any establishment at the time of inspection shall furnish
26 the inspector making the inspection a true statement of the number
27 of persons employed in the establishment at the time of inspection,
28 and any owner, superintendent, manager or other person in charge
29 who fails or refuses to furnish such statement, or understates the
30 number of persons employed in the establishment at the time of
31 inspection, is guilty of a misdemeanor, and, upon conviction
32 thereof, shall be fined not less than twenty-five dollars nor more
33 than one hundred dollars for each offense.

34 3. Any person, firm or corporation, agent or manager,
35 superintendent or foreman of any firm or corporation, whether
36 acting for himself or for the firm or corporation, or by himself or
37 through subagents or foreman, superintendent or manager, who
38 refuses or attempts to prevent the admission of any inspector
39 authorized by this chapter, upon or within the premises or building
40 of any establishments or place which he is required by law to
41 inspect at any reasonable business hour, or during working hours
42 or in any manner interferes with the performance of the official
43 duties of the inspector, or neglects or refuses to pay the inspection
44 fee upon the completion of the inspection, is guilty of a
45 misdemeanor, and, upon conviction thereof, shall be fined not less
46 than twenty-five dollars nor more than one hundred dollars for
47 each offense; except, that the owner or manager of any
48 establishment inspected shall not be required to pay for more than
49 two inspections between the first day of October of one year and

50 thirtieth day of September of the next year, unless through
51 noncompliance with the written orders of the inspector, additional
52 inspections are necessary.]

[291.140. The director of the inspection section shall make
2 an investigation of all accidents serious enough to require physical
3 rehabilitation, under the provisions of the state board of
4 rehabilitation, and make safety recommendations to the employers
5 of the injured employees.]

[291.150. The director shall also make and submit to the
2 governor on or before the last Monday in January in each year, a
3 report containing a full and complete account of the investigations,
4 together with any other suggestions and recommendations he
5 considers to be of value to the people of the state, which shall be
6 laid before the next succeeding general assembly.]

[292.010. Within one month after the occupancy of any
2 factory, workshop or mill, the occupant shall notify the director in
3 writing, of such occupancy.]

[292.020. The belting, shafting, machines, machinery,
2 gearing and drums in all manufacturing, mechanical and other
3 establishments in this state, when so placed as to be dangerous to
4 persons employed therein or thereabout while engaged in their
5 ordinary duties, shall be safely and securely guarded when
6 possible; if not possible, then notice of its danger shall be
7 conspicuously posted in such establishments. Whenever the
8 director of the inspection section, or his assistant, or deputy, finds
9 that guards have not been installed or notice of danger posted, as
10 required by the provisions of this section, he shall at once, in
11 writing, order the owner or owners, or the person or persons in
12 charge of the machinery, plant, establishment, or place, to make
13 the alterations, additions, or repairs necessary within ten days; and
14 if the said alterations, additions or repairs be not made within ten
15 days from the date of such order, then such failure to make such
16 alterations shall be deemed a violation of sections 292.010 to
17 292.250, and in addition to the penalties herein prescribed for such
18 violations, the director or his assistant or deputy, shall be and is
19 hereby empowered to, and he shall seal said defective appliance or

20 appliances in such a manner as to render the same inoperative
21 until said order of the director has been complied with.]

[292.030. All power-driven circular saws must be provided
2 with safety guards which raise and lower automatically for various
3 thicknesses of material, and must also be provided with a kickback
4 dog to prevent the board binding on the saw and flying back. Said
5 appliances shall be subject to the approval of the director of the
6 inspection section, his assistants or deputies.]

[292.040. No minor shall be required to clean any part of
2 the mill, gearing or machinery while it is in motion in such
3 establishment, nor shall any minor under the age of sixteen years
4 be required to work between the fixed and traversing or the
5 traversing parts of any machine while it is in motion by the action
6 of steam, water, electricity or other mechanical power.]

[292.050. The openings of all hatchways, elevators and
2 wellholes upon every floor of every manufacturing, mechanical or
3 mercantile or public building in this state shall be protected by
4 good and sufficient trapdoors or self-closing hatches or safety
5 catches, or strong guard rails at least three feet high, and all due
6 diligence shall be used to keep such trapdoors closed at all times,
7 except when in actual use by the occupant of the building having
8 the use and control of the same. Whenever the director of the
9 inspection section, or one of his assistants or deputies, finds any
10 violations of the foregoing requirement to guard hatchways,
11 elevators and wellholes, he shall at once, in writing, notify the
12 owner or owners thereof, or the person or persons in charge of said
13 appliance or appliances, to make the necessary alterations,
14 additions or repairs within ten days; and if said alterations,
15 additions or repairs are not made within ten days from the date of
16 such notice, the director or his assistant or deputy, shall seal such
17 appliance or appliances in such a manner as to render the same
18 inoperative until there has been compliance with the order of the
19 director.]

[292.060. All manufacturing, mechanical, mercantile or
2 other establishments in this state, of two or more stories in height,
3 in which twenty or more persons are employed above the first floor

4 thereof, shall be provided with at least one or more outside iron fire
5 escapes. For every twenty persons employed on every floor above
6 the second floor of such establishment, there shall be one rope or
7 portable fire escape, and each story shall be amply supplied with
8 means of extinguishing fire.]

 [292.070. In all such establishments the main doors, both
2 inside and outside, shall open outwardly, when the director, in
3 writing, so directs; and no outside or inside door of any building
4 wherein labor is employed shall be so locked, bolted or otherwise
5 fastened during the hours of labor as to prevent egress.]

 [292.080. No explosive or inflammable compound shall be
2 used in any establishment in this state where labor is employed, in
3 such place or manner as to obstruct or render hazardous the egress
4 of operatives in case of fire.]

 [292.090. All scaffolds or structures used in or for the
2 erection, repairing or taking down of any kind of building shall be
3 well and safely supported, and of sufficient width, and so secured
4 as to insure the safety of persons working thereon, or passing
5 under or about the same, against the falling therein, or the falling
6 of such materials or articles as may be used, placed or deposited
7 thereon. All persons engaged in the erection, repairing or taking
8 down of any kind of building shall exercise due caution and care so
9 as to prevent injury or accident to those at work or nearby.]

 [292.110. All manufacturing, mechanical, mercantile and
2 other establishments in this state shall be so ventilated as to
3 render harmless all impurities, as near as may be.]

 [292.120. Every person, firm or corporation using any
2 polishing wheel or machine of any character which generates dust,
3 smoke or poisonous gases in its operation, shall provide each and
4 every such wheel or machine with a hood, which shall be connected
5 with a blower or suction fan of sufficient power to carry off said
6 dust, smoke and gases and prevent its inhalation by those
7 employed about said wheel or machine; and any violation of this
8 section is hereby declared to be a misdemeanor, and a person, firm
9 or corporation so violating this section shall, upon conviction, be
10 punished by a fine of not less than one hundred dollars nor more

11 than five hundred dollars for each and every offense. It shall be
12 the duty of the director of the inspection section and his assistants
13 and deputies to see that this section is enforced and to prosecute
14 any violations thereof.]

[292.130. In all establishments in this state wherein labor
2 is employed, where any process is carried on by which dust or
3 smoke is generated, the director of the inspection section and his
4 assistants and deputies shall have the power and the authority to
5 order that a fan or some other contrivance be put in to prevent the
6 inhalation of such dust or smoke by employees.]

[292.140. Where, in the opinion of the director, any
2 establishment wherein labor is employed is so overcrowded with
3 employees as to endanger health or safety, the director of the
4 inspection section, when supported in his opinion by the opinion of
5 some reputable physician, shall be authorized and empowered to
6 prohibit such overcrowding.]

[292.150. In every factory, workshop or other establishment
2 in this state where girls or women are employed, where unclean
3 work of any kind has to be performed, suitable places shall be
4 provided for such girls or women to wash and dress.]

[292.160. Separate water closets shall be provided for the
2 use of employees of either sex in manufacturing, mechanical,
3 mercantile and other establishments in this state where persons of
4 both sexes are employed.]

[292.180. Whenever the director of the inspection section or
2 one of his assistants or deputies, finds that the heating, lighting,
3 ventilation or sanitary arrangements of any establishment where
4 labor is employed is such as to be dangerous to the health or safety
5 of employees therein or thereat, or the means of egress, in case of
6 fire or other disaster, are not sufficient, or that the building, or any
7 part thereof, is unsafe, or that the belting, shafting, gearing,
8 elevators, drums or other machinery are located so as to be
9 dangerous to employees, and not sufficiently guarded, or that the
10 vats, pans, ladles or structures filled with molten or hot liquid, or
11 any furnace, be not sufficiently surrounded with proper safeguards,
12 or the platforms, passageways and other arrangements around, in

13 or about any railroad yard or switch be such as to probably lead to
14 injury or accident to those employed in, around, or about any such
15 establishment or place, shall at once, in writing, order the owner
16 or owners, or the person or persons in charge of such establishment
17 or place to make the alterations or additions necessary within ten
18 days; and if such alterations or additions be not made within ten
19 days from the date of such order, then such failure to make such
20 alterations shall be deemed a violation of sections 292.010 to
21 292.250, and in addition to the penalties herein prescribed for such
22 violations, the director, or his assistant or deputy, shall be and is
23 hereby empowered to, and he shall seal said defective appliance or
24 appliances in such manner as to render the same inoperative until
25 said order of the inspector has been complied with.]

[292.190. All accidents in manufacturing, mechanical,
2 mercantile or other establishments or places within this state
3 where labor is employed which prevent the injured person or
4 persons from returning to work within four days after the injury,
5 or which result in death, shall be reported by the person in charge
6 of such establishment or place to the director of the inspection
7 section or to one of the assistant or deputy inspectors provided for
8 by law, and also to the city or county physician, when there be such
9 an officer, which notice may be given by mail.]

[292.200. It shall be unlawful and deemed a violation of
2 sections 292.010 to 292.250 for any person to break, remove, alter
3 or otherwise render ineffective, or to aid or abet or cause the same
4 to be done, any guards installed, or the seal of any inspector affixed
5 in accordance with the provisions of sections 292.010 to 292.250.]

[292.210. Any person or persons, firm or corporation, being
2 the owner, agent, lessee or occupant of any manufacturing,
3 mechanical, mercantile, or other establishment, business or calling
4 in this state to which sections 292.010 to 292.250 apply, or any
5 employee therein or thereat, who shall violate, or aid or abet in
6 violating, any of the provisions of sections 292.010 to 292.250, shall
7 be deemed guilty of a misdemeanor, and, upon conviction in any
8 court of competent jurisdiction in this state, be fined for the first
9 offense not less than twenty-five dollars nor more than two

10 hundred dollars, and for each subsequent offense, not less than one
11 hundred dollars nor more than five hundred dollars, and, in default
12 of payment of such fine and costs, shall be committed to the
13 common jail of the county or city in which the offense was
14 committed until such fine and costs are fully paid.]

2 [292.220. When any of the provisions of sections 292.010 to
3 292.250 are violated by a corporation, proceedings may be had
4 against any of the officers or agents of such corporation who in any
5 way participated in such violation by the corporation of which they
6 are the officers or agents, and, upon conviction, such officers or
7 agents shall be subject to the same penalty as in case of individuals
so offending.]

2 [292.230. In case of an offense which is a violation of
3 sections 292.010 to 292.250 and of some other law of this state,
4 then the director or assistant director may elect under which law
5 he will prosecute; but where an offense is in violation of some other
6 law of this state in relation to the protection of employees, but is
7 not covered by sections 292.010 to 292.250, then it shall be the
8 duty of the director or assistant director to prosecute for all such
offenses under the law violated.]

2 [292.240. All fines collected for violation of sections 292.010
3 to 292.250 shall be paid into the common school fund of the county
in which the offense was committed.]

2 [292.250. It is hereby made the express duty of the
3 prosecuting attorney of each county or city in this state to lend all
4 possible aid in all prosecutions for violation of the provisions of
sections 292.010 to 292.250.]

2 [292.280. The director of the inspection section is hereby
3 required to at least twice a year thoroughly inspect each foundry
4 in this state wherein four or more men are employed, and the said
5 director shall have the power and authority by order to require the
provision of section 292.260 to be carried out.]

2 [292.290. Any corporation, company or person failing to
3 comply with an order made by the director of the inspection section
4 to provide the facilities enumerated in section 292.260 shall be
deemed guilty of a misdemeanor.]

2 [292.300. That every employer of labor in this state engaged
3 in carrying on any work, trade or process which may produce any
4 illness or disease peculiar to the work or process carried on, or
5 which subjects the employee to the danger of illness or disease
6 incident to such work, trade or process, to which employees are
7 exposed, shall for the protection of all employees engaged in such
8 work, trade or process, adopt and provide approved and effective
9 devices, means or methods for the prevention of such industrial or
10 occupational diseases as are incident to such work, trade or
process.]

2 [292.310. The carrying on of any process, or manufacture,
3 or labor in this state in which antimony, arsenic, brass, copper,
4 lead, mercury, phosphorus, zinc, their alloys or salts or any
5 poisonous chemicals, minerals, acids, fumes, vapors, gases, or other
6 substances, are generated or used, employed or handled by the
7 employees in harmful quantities, or under harmful conditions, or
8 come in contact with in a harmful way, are hereby declared to be
especially dangerous to the health of the employees.]

2 [292.320. Every employer in this state to which sections
3 292.300 to 292.440 apply shall provide for and place at the disposal
4 of the employees so engaged, and shall maintain in good condition
5 without cost to the employees, working clothes to be kept and used
6 exclusively by such employees while at work and all employees
7 therein shall be required at all times while they are at work to use
8 and wear such clothing; and in all processes of manufacture or
9 labor referred to in this section which are productive of noxious or
10 poisonous dusts, adequate and approved respirators shall be
11 furnished and maintained by the employer in good condition and
12 without cost to the employees, and such employees shall use such
13 respirators at all times while engaged in any work productive of
noxious or poisonous dusts.]

2 [292.330. Every employer engaged in carrying on any
3 process or manufacture referred to in section 292.310 shall, as
4 often as once every calendar month, cause all employees who come
5 into direct contact with the poisonous agencies or injurious
processes referred to in section 292.310, to be examined by a

6 competent licensed and reputable physician for the purpose of
7 ascertaining if there exists in any employee any industrial or
8 occupational disease or illness or any disease or illness due or
9 incident to the character of the work in which the employee is
10 engaged.]

[292.340. It is hereby made the duty of any licensed
2 physician who shall make a physical examination of any employee
3 under the provisions of section 292.330, to make within twenty-four
4 hours a triplicate report thereof to the department of health and
5 senior services of the state of Missouri upon blanks to be furnished
6 by said department upon request, and if any such disease or illness
7 is found, the physician shall so report, and if any such disease is
8 found, the report shall state the name and address and business of
9 such employer and the nature of the disease in precise and definite
10 terms of all the diseases or illness with which the employee is
11 afflicted and the probable extent and duration thereof, the name
12 and business of employer, and the last place and length of
13 employment; provided, that the failure of any such physician to
14 receive blanks from the department of health and senior services
15 for making such a report shall not excuse the physician from
16 making the report as herein required. Any physician who shall fail
17 to make a report as required by this section shall be deemed guilty
18 of a misdemeanor and upon conviction shall be fined not less than
19 fifty dollars, and in each case shall stand committed until such fine
20 and costs are paid unless otherwise discharged by due process of
21 law.]

[292.350. The director of the department of health and
2 senior services shall, immediately upon receipt of any report from
3 any physician in accordance with the provisions of section 292.340,
4 transmit a copy thereof to the director of the inspection section,
5 and a copy to the superintendent of the factory in which the
6 employee is supposed to have contracted his ailment.]

[292.360. Every employer engaged in carrying on any
2 process or manufacture or labor referred to in section 292.310, shall
3 provide, separate and apart from the workshop in which such
4 employees are engaged, a dressing room and lavatory for the use

5 of such employees who are exposed to poisonous or injurious dusts,
6 fumes and gases, and such lavatory shall be kept and maintained
7 in a hygienic and sanitary manner and provided with a sufficient
8 number of basins or spigots with adequate washing facilities,
9 including hot and cold water, clean individual towels and soap, and
10 sufficient shower baths, and the dressing room shall be furnished
11 with compartment lockers, so that the ordinary street clothes of
12 such employees shall be kept separate and apart from their
13 working clothes. Male and female employees shall be provided for
14 separately.]

[292.370. No employee shall take or be allowed to take any
2 food or drink of any kind into any room or apartment in which any
3 process or manufacture or labor referred to in section 292.310 is
4 carried on, or in which poisonous substances or injurious or noxious
5 fumes, dusts or gases are present as the result of such work or
6 process being carried on in such room or apartment, and the
7 employees shall not remain in any such room or apartment during
8 the time allowed for meals, and suitable provision shall be made
9 and maintained by the employer for enabling the employees to take
10 their meals elsewhere in such place of employment, and a sufficient
11 number of sanitary drinking fountains containing wholesome
12 drinking water, and providing ice for same, shall be provided and
13 maintained for the use of the employees within reasonable access
14 and without cost to them.]

[292.380. All employers engaged in carrying on any process
2 or manufacture or labor referred to in section 292.310, shall
3 provide and maintain adequate devices for carrying off all
4 poisonous or injurious fumes from any furnaces which may be
5 employed in any such process or manufacture or labor, and shall
6 also provide and maintain adequate and efficient facilities for
7 carrying off all injurious dust, and the floors in any room or
8 apartment where such work or process is carried on shall be kept
9 and maintained in a smooth and hard condition, and no sweeping
10 shall be permitted during working hours except where the floor in
11 such workshop is dampened so as to prevent the raising of dust;
12 and all ore, slag, dross and fume shall be kept in some room or

13 apartment separate from the workrooms occupied by the employees,
14 and all mixing and weighing of such ore, slag, dross or fume shall
15 be done in such separate room or apartment, and all such material
16 shall be dampened or covered before being handled or transported
17 by employees.]

[292.390. When any flues or other apparatus are used in
2 any such process or manufacture or labor referred to in section
3 292.310, and when such flues or other apparatus are being cleaned
4 or emptied, the employer shall in every case provide and maintain
5 a sufficient, adequate and efficient means or device, such as canvas
6 bags or other approved device, or by dampening the dust, or some
7 other efficient method for catching and collecting the dust and
8 preventing it from unreasonably fouling or polluting the air in
9 which the employees are obliged to work, and, wherever
10 practicable, the dust occasioned in any process or manufacture
11 referred to in section 292.310, and in any polishing or finishing
12 therein, shall be dampened or wet down or covered, and every
13 reasonable precaution shall be adopted by the employer to prevent
14 the unnecessary creation or raising of dust, and all floors shall be
15 washed or scrubbed at least once every working day; and such
16 parts of the work or process as are especially dangerous to the
17 employees, on account of poisonous fumes, dusts and gases, shall,
18 where practicable, be carried on in separate rooms and under cover
19 of some suitable and efficient device to remove the danger to the
20 health of such employees as far as may be reasonably consistent
21 with the manufacturing process, and the fixtures and tools
22 employed in any such process or manufacture or labor, shall be
23 thoroughly washed and cleaned at reasonable intervals.]

[292.400. All hoppers or chutes or similar devices used in
2 the course of any process or manufacture referred to in section
3 292.310 shall be provided with a hood or covering, and an adequate
4 and efficient apparatus or other proper device for the purpose of
5 drawing away from the employees, noxious, poisonous or injurious
6 dusts, and preventing the employees from coming into unnecessary
7 contact therewith; and all conveyances or receptacles used for the
8 transportation about or the storage in any place where any such

9 process or manufacture or labor referred to in section 292.310 is
10 carried on, shall be properly covered or dampened in such a way as
11 to protect the health of the employees, and no refuse of a dangerous
12 character incident to the work or process carried on in any such
13 place shall be allowed to remain accumulated on the floors thereof.]

2 [292.410. It shall be the duty of the director of the
3 inspection section to enforce the provisions of sections 292.300 to
4 292.440 and to prosecute all violations of the same before any
5 associate circuit judge or any court of competent jurisdiction in this
6 state, and for that purpose the director of the inspection section
7 and his assistants are empowered to and shall visit and inspect, at
8 least once a year, and at reasonable hours, and as often as
9 practicable, all places of employment covered by the provisions of
sections 292.300 to 292.440.]

2 [292.420. For the purpose of disseminating a general
3 knowledge of the provisions of sections 292.300 to 292.440 and of
4 the dangers to the health of employees in any work or process
5 covered by the provisions of sections 292.300 to 292.440, the
6 employer shall post in a conspicuous place in every room or
7 apartment in which any such work or process is carried on,
8 appropriate notices of the known dangers to the health of any such
9 employees arising from such work or process, and simple
10 instructions as to any known means of avoiding, so far as possible,
11 the injurious consequences thereof, and the director of the
12 inspection section shall have prepared a notice covering the salient
13 features of sections 292.300 to 292.440, and furnish a reasonable
14 number of copies thereof to employers in this state affected by the
15 provisions of sections 292.300 to 292.440, which notice shall be
16 posted by every such employer in a conspicuous place in every room
17 or apartment in such place of employment. The notices required by
18 this section shall be printed on cardboard of suitable character and
the type used shall be such as to make them easily legible.]

2 [292.430. Any person, firm or corporation who shall,
3 personally or through any agent violate any of the provisions of
4 sections 292.300 to 292.440, or who fails or refuses to comply with
any of its requirements, or who obstructs or interferes with any

5 examination or investigation being made by the inspection section
6 in accordance with the provisions of sections 292.300 to 292.440, or
7 any employee who shall violate any of the provisions of sections
8 292.300 to 292.440, shall be deemed guilty of a misdemeanor and,
9 on conviction thereof, shall be punished by a fine of not less than
10 twenty-five dollars or more than two hundred dollars and in each
11 case shall stand committed until such fine and costs are paid,
12 unless otherwise discharged by due process of law.]

[292.440. In sections 292.300 to 292.440, unless the context
2 otherwise requires, "employer" includes persons, partnerships and
3 corporations.]

[292.450. The provisions of sections 292.450 to 292.540
2 shall apply only to cities that now have or may hereafter have a
3 population of fifty thousand or more inhabitants.]

[292.460. No outside ladder shall be used in connection
2 with the construction, repairing, alteration, removal, or any work
3 whatsoever on any building more than two stories in height, as a
4 stairway.]

[292.470. All stairways used in connection with the
2 construction, repairing, alteration, removal, or any work
3 whatsoever, on any building more than two stories in height, shall
4 be kept lighted at all times during their use and shall have a
5 handrail running the entire length of said stairway.]

[292.480. That all scaffolds, hoists, stays, ladders, supports,
2 or other mechanical contrivances, erected or constructed by any
3 person, firm or corporation, in this state, for the use in the
4 erection, repairing, alteration, painting, tuckpointing, removal or
5 any work whatsoever of any house, building, bridge, viaduct, or
6 other structure, shall be erected and constructed, in a safe, suitable
7 and proper manner, and shall be so erected and constructed, placed
8 and operated, as to give proper and adequate protection to the life
9 and limb of any person or persons, employed or engaged thereof, or
10 passing under or by the same, and in such manner as to prevent
11 the falling of any material that may be used or deposited
12 thereon. Scaffolding or staging, swung or suspended from an
13 overhead support, more than twenty feet from the ground or floor,

14 shall have where practicable a safety rail properly bolted, secured
15 and braced rising at least thirty-four inches above the floor, or
16 main portion of such scaffolding or staging, and extending along
17 the entire length of the outside and ends thereof, and properly
18 attached thereto, and such scaffolding or staging shall be so
19 fastened as to prevent the same from swaying from the building or
20 structure.]

[292.490. If in any house, building or structure in process
2 of erection or construction in this state (except a private house,
3 used exclusively as a private residence), the distance between the
4 enclosing walls is more than twenty-four feet, in the clear, there
5 shall be built, kept and maintained, proper intermediate supports
6 for the joists, which supports shall be either brick walls, or iron or
7 steel columns, beams, trusses, or girders, and the floors in all such
8 houses, buildings, or structures, in process of erection and
9 construction, shall be designed and constructed in such manner as
10 to be capable of bearing in all their parts, in addition to the weight
11 of the floor construction, partitions and permanent fixtures, and
12 mechanisms that may be set upon the same, a live load of fifty
13 pounds for every square foot of surface in such floors, and it is
14 hereby made the duty of the owner, lessee, builder or contractor or
15 subcontractor of such house, building or structure, or the
16 superintendent or agent of either, to see that all the provisions of
17 this section are complied with.]

[292.500. All contractors and owners when constructing
2 buildings in cities, where the plans and specifications require the
3 floors to be arched between the beams thereof or where the floors
4 or filling in between the floors are fireproof material or brick work,
5 shall complete the flooring or filling in as the building progresses,
6 to not less than within three tiers or beams below that on which
7 the iron work is being erected. If the plans and specifications of
8 such buildings do not require filling in between the beams of floors
9 with brick or fireproof material, all contractors for carpenter work
10 in course of construction shall lay the under flooring thereof or a
11 safe temporary floor on each story as the building progresses to not
12 less than within two stories, or floors below the one to which such

13 building has been erected. Where double floors are not to be used,
14 such owner or contractor shall keep planks over the floor, two
15 stories or floors below where the work is being performed. If the
16 floor beams are of iron or steel the contractor for the iron or steel
17 work of buildings in the course of construction or the owners of
18 such buildings, shall thoroughly plank over the entire tier of iron
19 or steel beams on which the structural iron or steel work is being
20 erected, except such spaces as may be reasonably required for the
21 proper construction of such iron or steel work and the raising and
22 lowering of materials, to be used in the construction of such
23 building, or such spaces as may be designated by the plans and
24 specifications for stairways and elevator shafts.]

[292.510. If the elevating machines or hoisting apparatus
2 are used within a building in the course of constructing for the
3 purpose of lifting material to be used in such construction, the
4 contractor or owner shall cause the shafts or openings on floor
5 where material is loaded to be completely enclosed on all sides;
6 except opening not over eight feet high and the width of the
7 elevating machines for loading purposes. On the other floors the
8 shafts and all other openings shall be enclosed or fenced in on all
9 sides by a substantial barrier or railing at least three feet in
10 height; provided, however, that nothing in sections 292.450 to
11 292.540 shall apply to railroad corporations or companies who are
12 using their own employees in the construction or repairing of any
13 structure mentioned herein.]

[292.520. The chief officer in any city, town or village
2 charged with the enforcement of local building laws, and the
3 director of the inspection section are hereby charged with enforcing
4 the provisions of sections 292.450 to 292.540; provided, that in all
5 cities in this state, where a local building commissioner is provided
6 for by law, such officer shall be charged with the duty of enforcing
7 the provisions of sections 292.450 to 292.540, and in case of his
8 failure, neglect or refusal so to do, the director of the inspection
9 section shall, pursuant to the terms of sections 292.450 to 292.540,
10 enforce the provisions thereof.]

[292.530. Any owner, contractor, subcontractor, foreman or

2 other person, having charge of the erection, construction, repairing,
3 alteration, removal, or painting of any building, bridge, viaduct or
4 other structure within the provisions of sections 292.450 to
5 292.540, shall comply with all the terms thereof and any such
6 owner, contractor, subcontractor, foreman or other person violating
7 any of the provisions of sections 292.450 to 292.540 shall upon
8 conviction thereof be fined not less than twenty-five dollars or more
9 than five hundred dollars or imprisoned for not less than three
10 months or more than six months, or both fined and imprisoned in
11 the discretion of the court.]

[292.540. 1. Whenever it shall come to the notice of the
2 director of the inspection section, or the local authority in any city,
3 town or village in this state, charged with the duty of enforcing the
4 building laws, that the scaffolding or the slings, hangers, blocks,
5 pulleys, stays, braces, ladders, irons or ropes of any swinging or
6 stationary scaffolding, platforms or other similar device, used in
7 the construction, alteration, repairing, removing, cleaning or
8 painting of buildings, bridges or viaducts, within this state are
9 unsafe or liable to prove dangerous to the life or limb of any person
10 the director of the inspection section, or such local authority or
11 authorities shall immediately cause an inspection to be made of
12 such scaffolding, platform or device, or the slings, hangers, blocks,
13 pulleys, stays, braces, ladders, iron or other parts connected
14 therewith.

15 2. If after examination such scaffolding, platform or device
16 or any of such parts, is found to be dangerous to the life or limb of
17 any person, the director of the inspection section, or such local
18 authority shall at once notify the person responsible for its erection
19 or maintenance, of such fact, and warn him against the use,
20 maintenance or operation thereof, and prohibit the use thereof, and
21 require the same to be altered, and reconstructed so as to avoid
22 such danger. Such notice may be served personally upon the
23 person responsible for its erection or maintenance or by
24 conspicuously affixing it to the scaffolding, platform, or other such
25 device, or the part thereof declared to be unsafe. After such notice
26 has been so served or affixed, the person responsible thereof shall

27 cease using and immediately remove such scaffolding, platform or
28 other device, or part thereof, and alter or strengthen it in such
29 manner as to render it safe.

30 3. The director of the inspection section, or any of his
31 deputies, or such local authority, whose duty it is, under the terms
32 of sections 292.450 to 292.540, to examine or test any scaffolding,
33 platform or other similar device, or part thereof, required to be
34 erected and maintained by this section, shall have free access at all
35 reasonable hours, to any building, or structures, or premises
36 containing such scaffolding, platform or other similar device, or
37 parts thereof, or where they may be in use.

38 4. All swinging and stationary scaffolding, platforms, and
39 other devices shall be so constructed as to bear four times the
40 maximum weight required to be depended therein, or placed
41 thereon, when in use, and such swinging scaffolding, platform or
42 other device, shall not be so overloaded or overcrowded as to render
43 the same unsafe or dangerous.]

[292.560. No person, firm or corporation shall knowingly
2 sell or expose for sale any of the articles mentioned herein when
3 such articles were made in violation of sections 292.550 to 292.570;
4 and the director of the inspection section, his deputy or any officer
5 appointed to enforce the provisions of sections 292.550 to 292.570,
6 who shall find any such articles made in violation of the provisions
7 of sections 292.550 to 292.570, or who shall find that the articles
8 herein mentioned are made under unclean or unhealthy conditions,
9 shall conspicuously affix thereto a label containing the words
10 "tenement made" or "made under unhealthy conditions", as the case
11 may be, printed in plain letters on a tag not less than two inches
12 in length, and it shall be unlawful to remove such tag except by the
13 permission of the director of the inspection section or the officer
14 under whose direction such label was affixed.]

[292.570. Any person, firm or corporation engaged in the
2 manufacture or sale of the articles herein mentioned who shall
3 violate or who shall fail to comply with the provisions of sections
4 292.550 to 292.570, shall be deemed guilty of a misdemeanor, and
5 on conviction, shall be punished by a fine of not less than ten nor

6 more than fifty dollars, or by imprisonment in the county jail for a
7 period of not more than ten days, or by both such fine and
8 imprisonment.]

[292.600. As used in sections 292.600 to 292.625, the
2 following terms mean:

3 (1) "Department", the state department of public safety;

4 (2) "District or local emergency planning committee", a
5 committee established by the Missouri emergency response
6 commission and may include one or more counties or cities in
7 Missouri;

8 (3) "Employer", a person engaged in business and including
9 the state and any political subdivision thereof;

10 (4) "Hazardous substance", any substance which is:

11 (a) Listed in Title III, Emergency Planning and Community
12 Right-to-Know, of the federal Superfund Amendments and
13 Reauthorization Act of 1986, Public Law 99-499; or

14 (b) A pesticide for which a registration has been canceled
15 or suspended under the provisions of section 281.260, RSMo, or the
16 federal Insecticide, Fungicide and Rodenticide Act of 1972, Public
17 Law 92-516, as amended; or

18 (c) An extremely hazardous substance or hazardous
19 chemical as defined in Title III, Emergency Planning and
20 Community Right-to-Know, as enacted under the federal Superfund
21 Amendments and Reauthorization Act of 1986, Public Law 99-499;
22 and which an employer stores, uses or produces, but shall not
23 include any substance which is a food or drug as defined in the
24 federal Food, Drug and Cosmetic Act, 21 U.S.C., Section 321, et
25 seq.; packaged for distribution to, and used by, the general public,
26 including any product used by an employer in the same form,
27 approximate amount, concentration, and manner as it is sold to the
28 consumer; present in a physical state, volume, or concentration for
29 which there is no valid and substantial evidence that a significant
30 risk to human health may occur from exposure; used in a
31 laboratory for experimentation, research, development or testing by
32 or under the direct supervision of a technically qualified individual,
33 provided that the toxic substance or mixture is not produced in the

34 laboratory for commercial purposes;

35 (5) "Person", one or more individuals, partnerships,
36 associations, corporations, business trusts, legal representatives or
37 any organized group of persons.]

[292.602. 1. The "Missouri Emergency Response
2 Commission", herein to be known as the commission, is hereby
3 established and is officially domiciled in the department of public
4 safety. The commission shall be composed of the director of the
5 department of economic development, or his designee; the director
6 of the department of natural resources, or his designee; the director
7 of the department of public safety, or his designee; the director of
8 the department of health and senior services, or his designee; six
9 members appointed by the governor with the advice and consent of
10 the senate; one to represent transporters of hazardous materials;
11 one to represent Missouri industry; one to represent local
12 government; one chief fire officer from a recognized fire department
13 or fire protection district; one police officer of the rank of captain
14 or above from a recognized county or municipal police department;
15 and one to represent the general public and four members of the
16 general assembly, two of whom shall be appointed by the speaker
17 of the house and two of whom shall be appointed by the president
18 pro tem of the senate. All members of the commission shall
19 represent the general interest of the public and shall, to the extent
20 practicable, have technical expertise in the emergency response
21 field. No more than three members appointed by the governor
22 shall be of the same political party. The terms of office for the
23 members appointed by the governor shall be four years and until
24 their successors are selected and qualified, except that, of those
25 first appointed, two shall have a term of three years, two shall
26 have a term of two years and two will have a term of one
27 year. There is no limitation on the number of terms an appointed
28 member may serve. The governor may appoint a member for the
29 remaining portion of the unexpired term created by a vacancy. The
30 governor may remove any appointed member for cause.

31 2. All members of the commission shall serve without
32 compensation for their duties, but shall be reimbursed for

33 necessary travel and other expenses incurred in the performance
34 of their official duties.

35 3. The Missouri emergency response commission in
36 conjunction with the department shall:

37 (1) Carry out those responsibilities designated under
38 sections 292.600 to 292.625 and implement sections 292.600 to
39 292.625 and the Emergency Planning and Community
40 Right-to-Know Act of 1986, Public Law 99-499, as amended, and all
41 rules and regulations promulgated pursuant thereto, herein to be
42 known as the Federal Act;

43 (2) Designate local emergency planning districts to facilitate
44 preparation and implementation of emergency plans, appoint
45 members of a local emergency planning committee for each local
46 emergency planning district, support and coordinate the activities
47 of such committees, review the emergency plans submitted by local
48 emergency planning committees, and make recommendations to the
49 local emergency planning committees regarding those plans;

50 (3) Establish a single filing point for all reports and filings
51 that are required to be submitted to the commission under the
52 provisions of sections 292.600 to 292.625 and the Federal Act;

53 (4) Accept, receive and administer grants or other funds or
54 gifts from public and private agencies, including the federal
55 government, for the purpose of carrying out the functions and
56 responsibilities enumerated in sections 292.600 to 292.625;

57 (5) Provide assistance to the local emergency planning
58 committees for the purpose of carrying out the functions and
59 responsibilities enumerated in sections 292.600 to 292.625 and the
60 Federal Act by utilizing all available expertise both public and
61 private, including, but not limited to, the departments of natural
62 resources, public safety and health;

63 (6) Provide training to local emergency planning committees
64 and other local officials to accomplish the purposes and objectives
65 of the Federal Act and the provisions of sections 292.600 to
66 292.625. The department of public safety will coordinate the
67 provisions of such training and periodically report to the
68 commission on training activities;

69 (7) Enter into such agreements with other state agencies,
70 local governments and other political subdivisions of the state, the
71 federal government and other persons as is determined to be
72 appropriate to implement the Federal Act and the provisions of
73 sections 292.600 to 292.625;

74 (8) Allot funds as specified in section 292.604 to local
75 emergency planning committees;

76 (9) Develop a data management system to store and
77 retrieve information submitted under the provisions of sections
78 292.600 to 292.625 and the Federal Act. The commission and the
79 department will provide assistance to local emergency planning
80 committees and fire departments, fire protection districts,
81 volunteer fire protection services and others to make this
82 information readily available to them for planning and emergency
83 response purposes.]

[292.604. 1. The duties and the responsibilities of the
2 commission and department under sections 292.600 to 292.625
3 shall be funded by the chemical emergency preparedness fund and
4 general revenue upon appropriation.

5 2. Such appropriations shall be distributed as follows:

6 (1) Sixty-five percent of the funds collected under
7 subsection 2 of section 292.606 shall be provided to the local
8 emergency planning committees for their responsibilities under
9 sections 292.600 to 292.625 and the federal act as follows:

10 (a) Of the sixty-five percent provided in subdivision (1) of
11 this subsection, one-third shall be equally distributed annually to
12 each local emergency planning committee through the governing
13 body of each county or a city not within a county or any city with
14 a population greater than four hundred thousand and located in
15 more than one county;

16 (b) Two-thirds shall be distributed to the local emergency
17 planning committees through the county governing body or any city
18 not within a county or any city with a population greater than four
19 hundred thousand and located in more than one county, based on
20 the number of facilities identified with hazardous chemicals as
21 defined in section 311(e) of the federal act; and on the presence of

22 highways, railroads, pipelines and other pertinent entities as the
23 commission and the department may determine;

24 (c) When a local emergency planning district has been
25 formed the moneys distributed under paragraphs (a) and (b) of this
26 subdivision to any county governing body or any city not within a
27 county or any city with a population greater than four hundred
28 thousand, located in more than one county which is a part of a
29 district shall immediately transfer such funds to the district
30 committee;

31 (d) Funds provided to local emergency planning committees
32 under this section shall be used for purposes specified by the
33 commission and the department for carrying out the purposes of
34 sections 292.600 to 292.625 and the federal act. Use of such funds
35 for purposes other than those specified can result in refusal to
36 provide additional funds to that jurisdiction. The commission and
37 the department may recover, by appropriate legal means, any funds
38 spent inconsistent with the grant or contract under which such
39 funds were provided;

40 (2) Twenty-five percent of the funds collected under
41 subsection 2 of section 292.606 shall be available to carry out the
42 responsibilities of the commission and the department under
43 sections 292.600 to 292.625 and the federal act;

44 (3) Ten percent of the funds collected under subsection 2 of
45 section 292.606 shall be distributed to the division of fire safety in
46 the department of public safety to be used for hazardous materials
47 training courses to carry out the provisions of sections 292.600 to
48 292.625. Training programs provided under this subsection shall
49 be reviewed by the commission.

50 3. Fees collected by the commission under section 292.606
51 shall be placed in the chemical emergency preparedness fund to
52 carry out the responsibilities of the commission and the department
53 under sections 292.600 to 292.625 and the federal act.

54 4. Private donations, federal grants, contracts, interest
55 accruing to the fund, and other funds shall be administered by the
56 department in conjunction with the commission for purposes of
57 chemical emergency preparedness as specified in sections 292.600

58 to 292.625 and the federal act.]

2 [292.605. 1. Every employer shall provide information and
3 reports regarding the properties and nature of the hazardous
4 substances which he stores, uses or produces to the local fire
5 protection service, the department and the local emergency
6 planning committee. Requirements for information under this
7 subsection may be satisfied by the employer through the
8 submission of an annual Tier II form as defined in 40 CFR Part
9 370 or other alternative methods of reporting approved by the
10 department. Submittal to the department of a Tier II form or any
11 other alternative method of reporting approved by the department
12 shall satisfy the reporting requirements to the Missouri emergency
13 response commission as directed under Title III of the Superfund
14 Amendments and Reauthorization Act of 1986.

15 2. In addition to the information required in subsection 1
16 of this section, employers shall permit on-site inspections, as
17 required by Title III, Emergency Planning and Community
18 Right-to-Know, of the federal Superfund Amendments of 1986,
19 Public Law 99-499, by the local fire chief or his representative,
20 upon request, for the purpose of planning fire protection and
21 emergency response activities. In addition to an on-site inspection,
22 the employer shall provide a material safety data sheet or
23 information by written description or diagram, if requested by the
24 local fire protection service or local emergency planning committee
25 regarding the kind, location, approximate quantities, hazardous
26 nature and method of containment of hazardous substances which
27 the employer stores, uses or produces at the facility. In addition
28 to the information required by this subsection, the employer shall
29 provide the fire protection service or local emergency planning
30 committee with relevant information, through on-site inspection or
31 written description or diagram, on all other hazardous substances,
32 as defined in section 260.500, RSMo, which the employer has
33 knowledge are present at the facility in such form and quantity as
34 to present a potential threat to public health and safety or the
35 environment in the event of a fire or a release of the hazardous
substance at the facility. For the purposes of this subsection,

36 relevant information required of the employer on hazardous
37 substances shall include the kind, location, approximate quantities,
38 properties, hazardous characteristics and such other related
39 information as the fire protection service may require to respond
40 effectively to an emergency at the facility. Information required of
41 the employer by the department of natural resources on hazardous
42 waste pursuant to sections 260.350 to 260.432, RSMo, which is
43 made available or provided to the fire protection service shall
44 satisfy the requirements for information on such substances under
45 this subsection. Information required by this subsection shall be
46 available to the general public, as required by Title III, Emergency
47 Planning and Community Right-to-Know, of the federal Superfund
48 Amendments and Reauthorization Act of 1986, Public Law 99-499.

49 3. On the Tier II form every employer shall provide the
50 department, the local emergency planning committee, and the local
51 fire protection service in which jurisdiction the employer's facility
52 is located with the name and current address and telephone
53 number of at least two individuals familiar with the kind, location,
54 nature and approximate quantities of hazardous substances
55 present in the facility who may be contacted in the event of an
56 emergency.

57 4. All information required from the employer under
58 sections 292.600 to 292.625 shall be updated each March first or
59 more frequently if conditions change which may affect the ability
60 of the fire protection service to respond effectively to an emergency
61 occurring at the facility.

62 5. All information provided by the employer to the fire
63 protection service, the local emergency planning committee, and the
64 department as required by subsection 1 of this section shall be
65 available to the general public from the fire protection service, local
66 emergency planning committee or the department upon
67 request. Any request for information shall be in writing. All
68 requests for information shall be available during normal business
69 hours for inspection by any affected employer. The fire protection
70 service, the department or the local emergency planning committee
71 may charge a fee sufficient to cover the actual cost of providing any

72 requested information.]

2 [292.606. 1. Fees shall be collected for a period of twenty
years from August 28, 1992.

3 2. (1) Any employer required to report under subsection 1
4 of section 292.605, except local governments and family-owned farm
5 operations, shall submit an annual fee to the commission of one
6 hundred dollars along with the Tier II form. Owners or operators
7 of petroleum retail facilities shall pay a fee of no more than fifty
8 dollars for each such facility. Any person, firm or corporation
9 selling, delivering or transporting petroleum or petroleum products
10 and whose primary business deals with petroleum products or who
11 is covered by the provisions of chapter 323, RSMo, if such person,
12 firm or corporation is paying fees under the provisions of the
13 federal hazardous materials transportation registration and fee
14 assessment program, shall deduct such federal fees from those fees
15 owed to the state under the provisions of this subsection. If the
16 federal fees exceed or are equal to what would otherwise be owed
17 under this subsection, such employer shall not be liable for state
18 fees under this subsection. In relation to petroleum products
19 "primary business" shall mean that the person, firm or corporation
20 shall earn more than fifty percent of hazardous chemical revenues
21 from the sale, delivery or transport of petroleum products. For the
22 purpose of calculating fees, all grades of gasoline are considered to
23 be one product, all grades of heating oils, diesel fuels, kerosenes,
24 naphthas, aviation turbine fuel, and all other heavy distillate
25 products except for grades of gasoline, are considered to be one
26 product, and all varieties of motor lubricating oil are considered to
27 be one product. For the purposes of this section "facility" shall
28 mean all buildings, equipment, structures and other stationary
29 items that are located on a single site or on contiguous or adjacent
30 sites and which are owned or operated by the same person. If more
31 than three hazardous substances or mixtures are reported on the
32 Tier II form, the employer shall submit an additional twenty-dollar
33 fee for each hazardous substance or mixture. Fees collected under
34 this subdivision shall be for each hazardous chemical on hand at
35 any one time in excess of ten thousand pounds or for extremely

36 hazardous substances on hand at any one time in excess of five
37 hundred pounds or the threshold planning quantity, whichever is
38 less, or for explosives or blasting agents on hand at any one time
39 in excess of one hundred pounds. However, no employer shall pay
40 more than ten thousand dollars per year in fees. Except moneys
41 acquired through litigation shall not apply to this cap;

42 (2) Employers engaged in transporting hazardous materials
43 by pipeline except local gas distribution companies regulated by the
44 Missouri public service commission shall pay to the commission a
45 fee of two hundred fifty dollars for each county in which they
46 operate;

47 (3) Payment of fees is due each year by March first. A late
48 fee of ten percent of the total owed, plus one percent per month of
49 the total, may be assessed by the commission;

50 (4) If, on March first of each year, fees collected under this
51 section and natural resources damages made available pursuant to
52 section 640.235, RSMo, exceed one million dollars, any excess over
53 one million dollars shall be proportionately credited to fees payable
54 in the succeeding year by each employer who was required to pay
55 a fee and who did pay a fee in the year in which the excess
56 occurred. The limit of one million dollars contained herein shall be
57 reviewed by the commission concurrent with the review of fees as
58 required in subsection 1 of this section.

59 3. Local emergency planning committees receiving funds
60 under section 292.604 shall coordinate with the commission and
61 the department in chemical emergency planning, training,
62 preparedness, and response activities. Local emergency planning
63 committees receiving funds under this section, section 260.394,
64 RSMo, sections 292.602, 292.604, 292.605, 292.615 and section
65 640.235, RSMo, shall provide to the commission an annual report
66 of expenditures and activities.

67 4. Fees collected by the department and all funds provided
68 to local emergency planning committees shall be used for chemical
69 emergency preparedness purposes as outlined in sections 292.600
70 to 292.625 and the federal act, including contingency planning for
71 chemical releases; exercising, evaluating, and distributing plans,

72 providing training related to chemical emergency preparedness and
73 prevention of chemical accidents; identifying facilities required to
74 report; processing the information submitted by facilities and
75 making it available to the public; receiving and handling
76 emergency notifications of chemical releases; operating a local
77 emergency planning committee; and providing public notice of
78 chemical preparedness activities. Local emergency planning
79 committees receiving funds under this section may combine such
80 funds with other local emergency planning committees to further
81 the purposes of sections 292.600 to 292.625, or the federal act.

82 5. The commission shall establish criteria and guidance on
83 how funds received by local emergency planning committees may
84 be used.]

[292.607. 1. The "Chemical Emergency Preparedness Fund"
2 is hereby established. Funds appropriated under section 292.604,
3 private donations, federal grants, contracts, and other funds
4 provided to the commission and the department for distribution as
5 provided in section 292.604 shall be placed in the chemical
6 emergency preparedness fund. Notwithstanding the provisions of
7 section 33.080, RSMo, to the contrary, funds in the chemical
8 emergency preparedness fund shall not revert to the general
9 revenue fund. Interest accruing to the fund shall be part of the
10 fund.

11 2. The chemical emergency preparedness fund shall, upon
12 appropriation, be used to implement the provisions of sections
13 292.600 to 292.625.]

[292.610. 1. Trade secret claims by an employer shall be
2 made to the department and subject to the same protection as and
3 treated in a manner similar to and authorized by Title III,
4 Emergency Planning and Community Right-to-Know, of the federal
5 Superfund Amendments and Reauthorization Act of 1986, Public
6 Law 99-499.

7 2. No officer, employee, or agent of any state or municipal
8 department, agency, commission members, members and employees
9 of district and local emergency planning committees, or authority
10 shall disclose to anyone in any manner any record or portions

11 thereof protected pursuant to the provisions of sections 292.600 to
12 292.625 and Title III, Emergency Response and Community
13 Right-to-Know, of the federal Superfund Amendments and
14 Reauthorization Act of 1986, Public Law 99-499, which are within
15 his custody or knowledge for as long as such record or portions
16 thereof shall be so exempted or until a final judicial denial of such
17 exemption is rendered. Any person who violates any provision of
18 this section commits the crime of misuse of official information and
19 may be punished as provided in section 576.050, RSMo.]

 [292.613. The department shall have the authority to
2 promulgate, after public hearing, rules and regulations to carry out
3 the provisions of sections 292.600 to 292.625 and to meet the
4 reporting requirements of Title III, Emergency Planning and
5 Community Right-to-Know, of the federal Superfund Amendments
6 and Reauthorization Act of 1986, Public Law 99-499. No rule or
7 portion of a rule promulgated under the authority of this chapter
8 shall become effective unless it has been promulgated pursuant to
9 the provisions of section 536.024, RSMo.]

 [292.615. 1. The attorney general shall bring an action in
2 circuit court against any employer knowingly and intentionally
3 violating the provisions of sections 292.600 to 292.625. In any such
4 action the circuit court shall have jurisdiction to restrain violations
5 of the provisions of sections 292.600 to 292.625 and to levy
6 appropriate penalties, including reasonable attorney's fees and
7 costs, of not more than five thousand dollars per violation for each
8 day of violation. Any civil penalty assessed for the violation of any
9 of the provisions of sections 292.600 to 292.625 shall be payable to
10 the general revenue fund.

 2. The commission, local emergency planning committees or
12 fire protection services may, on their own initiative or on behalf of
13 any person, commence a civil action against an employer for failure
14 to submit the required Tier II form after thirty days of such
15 employer being notified by the commission that such employer is
16 not in compliance. A local emergency planning committee or fire
17 protection service commencing a civil action shall seek commission
18 approval in advance of such action and cooperate with the

19 commission and the department in the legal process. Any
20 violations of section 260.394, RSMo, sections 292.602, 292.604,
21 292.605, 292.606, 292.615 and section 640.235, RSMo, shall
22 constitute a class C misdemeanor.

23 3. Any employer, the department, or the Missouri
24 emergency response commission may commence a civil action
25 against a local emergency planning committee for failure to use
26 fees collected under section 292.604 for the purposes specified in
27 sections 292.600 to 292.625 or for use of fees collected under section
28 292.604 for purposes other than those specified in sections 292.600
29 to 292.625. The department and the commission may recover, by
30 appropriate legal means, any funds spent inconsistent with the
31 purposes specified in sections 292.600 to 292.625.

32 4. The Missouri emergency response commission may
33 commence a civil action against a local emergency planning
34 committee that fails to provide information as required in
35 subsection 4 of section 292.606.

36 5. No person shall refuse entry or access for the purpose of
37 investigating possible violations of sections 292.600 to 292.625 or
38 the federal act by an authorized representative of the department
39 who presents appropriate credentials, nor obstruct or hamper the
40 representative. A suitably restricted search warrant, upon showing
41 of probable cause in writing and upon oath, may upon application
42 be issued by any court of competent jurisdiction to any such
43 representative for the purpose of enabling the representative to
44 investigate or respond to possible violations of sections 292.600 to
45 292.625 or the federal act.]

2 [292.617. 1. Owners and operators of facilities where one
3 hundred pounds or more of explosives or blasting agents as defined
4 in Title 49, Code of Federal Regulations, Part 173, Subpart C are
5 temporarily stored shall file such reports as required under section
6 292.605 whenever such explosive materials are stored in a
7 particular facility for more than fifteen days and each time such
8 explosive materials are relocated to a new site for storage of more
9 than fifteen days duration, except that when such explosive
materials are stored in any facility for less than fifteen days such

10 reports shall not be required and the facility owner or operator
11 shall, within twenty-four hours of the arrival of such explosive
12 materials at the facility, notify the local fire department in the
13 jurisdiction where the facility is located that such explosive
14 materials are temporarily stored in that facility and shall describe
15 the contents and amount of the explosive materials stored
16 therein. The provisions of this subsection concerning explosive
17 materials shall apply to owners and operators of facilities where
18 explosives are temporarily stored prior to use at that facility or
19 location and shall not apply to storage by manufacturers and
20 distributors prior to sale or to such material while in transit
21 provided that the transporter is in compliance with the United
22 States Department of Transportation regulation.

23 2. All facilities required to submit reports under sections
24 292.600 to 292.625, except those facilities having an emergency
25 response policy or facilities located in a fire protection district or
26 municipality having a fire protection code, shall provide visible
27 markings on the outside of buildings, rooms and containers where
28 hazardous substances are present. These markings shall conform
29 to the National Fire Protection Association Standard Number 704
30 or with other federal laws or regulations, or in the case of
31 containers, may as an option comply with Safety and Health
32 Administration Hazard Communication Rule, 29 CFR 1910.1200(f).
33 To avoid duplication of markings, marking requirements of the
34 United States Department of Transportation shall satisfy the
35 requirements in regard to motor vehicles, rolling stock and
36 aircraft.]

2 [292.623. Members of the Missouri emergency response
3 commission and members of local emergency planning committees
4 appointed by the commission shall not be liable for damages
5 incurred as a result of actions taken by them when acting in their
6 capacities pursuant to sections 292.600 to 292.625, or the federal
7 act. This protection from liability shall not apply for acts or
8 omissions which result from intentional wrongdoing or gross
negligence.]

[292.625. The department shall:

2 (1) Exercise general supervision of the administration and
3 enforcement of sections 292.600 to 292.625 and all rules and
4 regulations adopted or issued hereunder;

5 (2) Retain, employ, provide for and compensate, within
6 appropriations available therefor, such personnel as may be
7 necessary to carry out the provisions of sections 292.600 to 292.625;

8 (3) Budget and receive duly appropriated moneys for
9 expenditures to carry out the provisions of sections 292.600 to
10 292.625;

11 (4) Accept, receive and administer grants or other funds or
12 gifts from public and private agencies, including the federal
13 government, for the purpose of carrying out the functions and
14 responsibilities enumerated in sections 292.600 to 292.625. Funds
15 received by the department pursuant to this section shall be
16 deposited with the state treasurer and held and disbursed by him
17 in accordance with the appropriations of the general assembly;

18 (5) Work with local emergency planning committees to
19 accomplish the purposes and objectives of sections 292.600 to
20 292.625.]

[292.630. 1. At all construction projects at which twenty
2 people or more are engaged in the performance of work, the
3 primary employer or contractor at such project shall provide at
4 least one portable toilet for each twenty people; except that, the
5 provisions of this section shall not apply to any railroad company.

6 2. The provisions of this section shall be enforced by the
7 department of labor and industrial relations through the division
8 of labor standards. Upon a finding by a court of competent
9 jurisdiction that a primary employer or contractor has willfully
10 violated or omitted to comply with the requirements of this section,
11 such person or persons shall be subject to penalty as provided by
12 section 290.340, RSMo.]

[292.650. 1. In accordance with the adopted standards
2 which are consistent with the accepted public health practices and
3 recommendations of the United States Centers for Disease Control,
4 the state of Missouri shall offer the hepatitis B immunization to
5 every employee of the state of Missouri who is determined to be at

6 risk for contracting hepatitis B, as defined by the federal
7 Occupational Safety and Health Administration blood borne
8 pathogens standard.

9 2. The department of health and senior services, in
10 conjunction with the division of personnel in the office of
11 administration, shall provide materials to allow each department
12 of the state to determine if any state employees of the department
13 are at risk for occupational exposure to hepatitis B.

14 3. Every department of the state shall determine which, if
15 any, state employees of the department are at-risk employees for
16 occupational exposure to hepatitis B. After such determination,
17 every department shall provide the department of health and
18 senior services with the number of employees, if any, who are
19 determined to be at risk. The department of health and senior
20 services shall provide materials for such at-risk employees
21 regarding occupational exposure to hepatitis B to be distributed by
22 any department reporting an at-risk employee.

23 4. Every department shall distribute the materials
24 regarding occupational exposure to hepatitis B provided by the
25 department of health and senior services to all identified at-risk
26 department employees. Every department shall determine the
27 number of at-risk employees requesting the hepatitis B vaccination.

28 5. Every department shall provide the hepatitis B vaccine
29 to every identified at-risk employee requesting the hepatitis B
30 vaccination and shall determine the procedure for administering
31 the hepatitis B vaccine to such employees.]

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